



STATE OF DELAWARE
JUSTICE OF THE PEACE COURT NO. 13
1010 CONCORD AVENUE
CONCORD PROFESSIONAL CENTER
WILMINGTON, DELAWARE 19802

TELEPHONE: (302) 577-2550

SYSTEM ID: @2911974
TED XENIDIS
P.O. BOX 7704
WILMINGTON, DE 19803

VS.

Civil Action No.: JP13-16-013391

SYSTEM ID: @2911975 / @2911976
SHEREE ARCHIE / SYEVE SOUL
508 EAST 6TH STREET
WILMINGTON, DE 19801

Appearances:

Plaintiff Ted Xenidis represented by and through John R. Weaver, Jr., Esq.
Defendants Sheree Archie and Syeve Soul represented by and through Jillian M. Pratt, Esq.

Before: Lee, D.C.M.; Hanby, J.; Bawa, J.

Heard: January 19, 2017
Decided: January 25, 2017

ORDER ON TRIAL DE NOVO

January 19, 2017. Plaintiff Ted Xenidis is represented by John Weaver, Esq. Defendants Syeve Soul and Sheree Archie are represented by Jillian Pratt, Esq. The matter presently before the Panel is an Appeal of an Order entered December 15, 2016 in a summary possession action brought by Plaintiff against Defendants. On December 21, 2016, Defendant/Appellant filed a timely appeal of the Judgment. Deputy Chief Magistrate Bonita Lee, Judge James Hanby, and Judge Nina Bawa constituted the Panel on appeal. This is the Panel's decision.

Defendant makes a pre-trial motion to dismiss the case as the complaint does not comply with 25 Del. C. § 5707 as it does not state Plaintiff's interest in the property, it does not state Defendant's interest in the property, and it does not describe the rental unit.

Plaintiff argues that the complaint does comply with 25 Del. C. § 5707, as it does specify it is a

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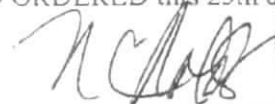
Landlord Tenant case, and there is no prejudice to Defendants.

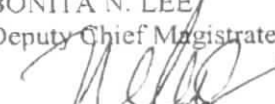
25 Del. C. § 5707 "Contents of complaint generally" states: The complaint shall:

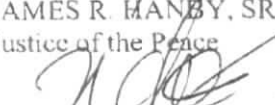
- (1) State the interest of the plaintiff in the rental unit from which removal is sought;
- (2) State the defendant's interest in the rental unit and defendant's relationship to the petitioner with regard thereto;
- (3) Describe the rental unit from which removal is sought;
- (4) State the facts upon which the proceeding is based and attach a copy of any written notice of the basis of the claim as an exhibit to the complaint; and
- (5) State the relief sought which may include a judgment for rent due if the notice of complaint contains a conspicuous notice that such demand has been made.

The concise statement of facts on the complaint filed by Plaintiff states "Did not pay October rent. Withholding rent for claimed damage. Would like possession". The Court finds, by a preponderance of the evidence, that the contents of the complaint filed by Plaintiff do not comply with 25 Del. C. § 5707. The Court finds the complaint fails to state the interest of the Plaintiff in the rental unit, it fails to state the interest of the Defendant in the rental unit, and it fails to describe the rental unit from which removal is sought. Accordingly, the case is dismissed without prejudice. Possession remains with Defendants Syeve Soul and Sherce Archie.

IT IS SO ORDERED this 25th day of January, 2017


(for) BONITA N. LEE
Deputy Chief Magistrate


(for) JAMES R. HANBY, SR.
Justice of the Peace


(for) NINA M. BAWA
Justice of the Peace

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